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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/922,762	08/06/2001	Ritesh Bawri	CIJ-10002/29	1620

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EXAMINER

AKINTOLA, OLABODE

ART UNIT	PAPER NUMBER
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3691

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/922,762	BAWRI, RITESH	
	Examiner	Art Unit	
	Olabode Akintola	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/03/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 recites the limitation "the communications" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-8, 12-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Robinson (USPAP 20010054001) (hereinafter referred to as Robinson).

Re claim 1: Robinson teaches a method of evaluating and trading purchaser information, comprising the steps of: capturing purchasing information from a buyer during the purchase cycle converting the information into an asset that the buyer can own (sections 0005-0006); identifying potential sellers based upon the purchasing information (section 0011); conducting an auction whereby the potential sellers or merchants bid on the information without knowing the details thereof (sections 0014, 0074-0079); and selling the information to the highest bidder,

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enabling that seller or sellers to market directly to the buyer (section 0015).

Re claims 2 and 14: Robinson teaches wherein the buyer is interested in buying durable goods (section 0107).

Re claims 3 and 15: Robinson teaches wherein the durable goods include a motor vehicle (section 0107).

Re claim 4: Robinson teaches the step of applying a formula to the information to arrive at a valuation therefore (section 0079).

Re claims 5 and 13: Robinson teaches wherein the buyer is compensated as a function of the valuation (section 0079).

Re claims 6 and 17: Robinson teaches wherein the communications between the buyer and seller are encrypted (section 0104).

Re claims 7 and 18: Robinson teaches the step of compiling the information from a plurality of customers to generate market research reports (section 0038).

Re claim 8: Robinson teaches wherein the information includes demographics and

psychographics (section 0005).

Re claim 12: Robinson teaches the step of setting up a personal information savings account for the seller containing one or more of the following: a) a history of purchases made by the buyer through the system, b) the amount of discount(s) received from sellers, and c) compensation received for sharing the purchasing information (sections 0005-0006, 0078).

Re claim 16: Robinson teaches the step wherein valuation of the information is based upon a market price derived from one or more of the following: a) the right to market to the buyer, b) the time frame of the buyer's purchasing decision, c) the seller's internal operational efficiency, and d) the number of competing sellers in running (section 0079).

Re claim 21: Robinson teaches the step wherein the vendor markets in a personalized and individualized manner to the customer based on the specific attributes expressed by the customer during the purchase cycle (section 0018).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 9-10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson as applied to claim 1 above, and further in view of Goldhaber et al (USPN 5794210) (hereinafter referred to as Goldhaber).

Re claims 9-10 and 19: Robinson does not explicitly teach wherein some of the information is gathered through a questionnaire completed by the buyer during the registration thereof; wherein the buyer is permitted to update the information if their purchasing ability or intent changes.

Goldhaber teaches wherein some of the information is gathered through a questionnaire completed by the buyer during the registration thereof (col. 6, lines 46-48); wherein the buyer is permitted to update the information if their purchasing ability or intent changes (col. 6, lines 49-60). It would have been obvious to one of ordinary skill in the art the time of the invention to modify Robinson to include these steps taught by Goldhaber. One would have been motivated to do so in order to create dynamic profiles.

Claims 11 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson as applied to claim 1 above, and further in view of Eldering (USPN 6324519) (hereinafter referred to as Eldering).

Re claims 11 and 20: Robinson does not explicitly teach wherein, if only one seller is selected, one or more competitors are solicited to submit additional bids unknown to the buyer. Eldering teaches, if only one seller is selected, one or more competitors are solicited to submit additional bids unknown to the buyer (col. 10, lines 50-56). It would have been obvious to one of ordinary skill in the art the time of the invention to modify Robinson to include this step taught by Eldering. One would have been motivated to do so in order to create competition among the advertisers.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 571-272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA



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